

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

IN RE: **Raul Gonzalez-Lopez**
Diana Gonzalez
Debtor(s)

Case No. **11-60776**
Chapter 13 Proceeding

☒ **AMENDED** ☐ **MODIFIED**
DEBTOR(S)' CHAPTER 13 PLAN
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at www.txwb.uscourts.gov.

Use of the singular word "Debtor" in this Plan includes the plural where appropriate.

Plan Summary

- A. The Debtor's Plan Payment will be Variable Payments, paid by ☒ Pay Order or ☐ Direct Pay for 36 months. The gross amount to be paid into the plan is \$15,221.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 14% of each unsecured allowed claim.
- THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.
- C. The value of the Debtor's non-exempt assets is \$0.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

- ☒ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☐ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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Continuation Sheet # 1

II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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Continuation Sheet # 2

"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on _____."

Debtor

Joint Debtor

V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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VI. Specific Treatment for Payment of Allowed Claims

1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS

A. Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, MUST be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Cascade Financial Serv 306 Opal Cr		\$69,478.00	\$762.00

B. Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
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Continuation Sheet # 4

F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).
Describe treatment for the class of general unsecured creditors.

General Unsecured Creditors will receive approximately 14% of their allowed claims.

Totals:

Administrative Claims	<u>\$2,700.00</u>
Priority Claims	<u>\$1,474.82</u>
Arrearage Claims	<u>\$5,100.00</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$0.00</u>
Unsecured Claims	<u>\$32,365.00</u>

VII. Supplemental Plan Provisions

The following are the Supplemental Plan Provisions:

Step Fixed Payments Are Designated in This Plan

Under 11 U.S.C. Sec. 1325(a)(5)(B)(iii), each secured creditor is allowed to receive a fixed payment for the duration of the plan. This plan makes provision for step fixed payments. Unless an objection is filed by the secured creditor(s) regarding the variable payments, the variable payments will be deemed acceptable to that secured creditor for the duration of the plan.

Respectfully submitted this date: 9/13/2011.

/s/ Evan Simpson/Chance McGhee

Evan Simpson/Chance McGhee
3925 A S. Jack Kultgen Fwy.
Waco, TX 76706
Phone: (254) 399-9977 / Fax: (254) 399-9909
(Attorney for Debtor)

/s/ Raul Gonzalez-Lopez

Raul Gonzalez-Lopez
306 Opal Cr
Belton, TX 76513
(Debtor)

/s/ Diana Gonzalez

Diana Gonzalez
306 Opal Cr
Belton, TX 76513
(Joint Debtor)

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CHAPTER **13**

EXHIBIT "B" - VARIABLE PLAN PAYMENTS

PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)

<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>
1	\$171.00	21	\$430.00	41	
2	\$430.00	22	\$430.00	42	
3	\$430.00	23	\$430.00	43	
4	\$430.00	24	\$430.00	44	
5	\$430.00	25	\$430.00	45	
6	\$430.00	26	\$430.00	46	
7	\$430.00	27	\$430.00	47	
8	\$430.00	28	\$430.00	48	
9	\$430.00	29	\$430.00	49	
10	\$430.00	30	\$430.00	50	
11	\$430.00	31	\$430.00	51	
12	\$430.00	32	\$430.00	52	
13	\$430.00	33	\$430.00	53	
14	\$430.00	34	\$430.00	54	
15	\$430.00	35	\$430.00	55	
16	\$430.00	36	\$430.00	56	
17	\$430.00	37		57	
18	\$430.00	38		58	
19	\$430.00	39		59	
20	\$430.00	40		60	

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CHAPTER **13**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on September 13, 2011, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

/s/ Evan Simpson/Chance McGhee

Evan Simpson/Chance McGhee
Bar ID:2406061/00791226
Davis Law Firm
3925 A S. Jack Kultgen Fwy.
Waco, TX 76706
(254) 399-9977

AT&T
PO Box 5001
Carol Stream, IL 60197-5001

Direct TV
P.O. Box 78626
Phoenix, Arizona 85062-8626

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Cascade Financial Serv
xxxxxxxx0809
14505 Torrey Chase, Ste 204
Houston, TX 77014

Gemb/walmart
xxxxxxxxxxx8571
Po Box 981400
El Paso, TX 79998

Kings Daughters
xxxious
1901 Southwest H.K. Dodgen Loop
Temple, TX 76502

Cascade Financial Serv
xxxxxxxx0809
14505 Torrey Chase, Ste 204

Hb Fsb
xxxxxxxxxx2365
Attn: Bankruptcy
PO Box 3425
Buffalo, NY 14240

Merchants&professional
xxx7323
11921 N Mo Pac Expy Ste
Austin, TX 78759

Chase - Cc
xxxxxxxxxxx0178
Attention: Bankruptcy Department
PO Box 15299
Wilmington, DE 19850

Hsbc/rmstr
xxxxxxxxxxx8292
Po Box 15524
Wilmington, DE 19850

Metabnk/fhut
xxxxxxxxxxx5217
6250 Ridgewood Roa
Saint Cloud, MN 56303

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CHAPTER **13**

CERTIFICATE OF SERVICE

(Continuation Sheet #1)

Raul Gonzalez-Lopez
306 Opal Cr
Belton, TX 76513

Wfs Financial/Wachovia Dealer
Services
xxxxxxx1564
PO Box 19657
Irvine, CA 92623

Ray Hendren
3410 Far West Blvd. #200
Austin, TX 78731

World Finance Corp
xxxxxxx9901
18 E Avenue A
Temple, TX 76501

Scott & White
xxxious
PO Box 847500
Dallas, TX 75284

World Finance Corp
xxxxxxx3701
18 E Avenue A
Temple, TX 76501

Sun Loan
7300
916 S 31st #a
Temple, TX 76504

Worth Financ
8889
11671 Jollyville R
Austin, TX 78759

Target Credit Card (TC)
xxxxx6301
C/O Financial & Retail Services
Mailstop BT P.O. Box 9475
Minneapolis, MN 55440

Texan Credit
572
Po Box 130
Timpson, TX 75975

Verizon Wireless
xxxxxxxxxx0001
Verizon Wireless Department/Attn:
Bankru
PO Box 3397
Bloomington, IL 61702